

Amendments to the Drawings:

The drawing sheets attached in connection with the above-identified application containing Figures 1-9 are being presented as new formal drawing sheets to be substituted for the previously submitted drawing sheets.

REMARKS

Applicants acknowledge receipt of an Office Action dated November 10, 2005. In this response, Applicants have redrafted claim 6 in independent form. In addition, Applicants have added new independent claim 10. Claims 2, 3, and 5-9 have been amended to replace the phrase “characterized in that” with the term “wherein” and to make each of these claims ultimately depend from new independent claim 10. Claims 10-16 have been added. Claims 1 and 4 have been cancelled without prejudice or disclaimer. Following entry of these amendments, claims 2, 3, and 5-16 are pending in the application.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Information Disclosure Statement

Applicants note the PTO’s indication that documents A1, A3 and A4 cited on the form SB/08 submitted with Applicants’ Information Disclosure Statement dated October 20, 2005 have not been considered because the “documents [were] not submitted or scanned by the PTO.” Applicants note that these documents were not provided to the PTO with the Information Disclosure Statement because copies of these documents should have been provided directly by WIPO under an exchange program between the PTO, the EPO and the JPO. Nonetheless, in the interest of advancing prosecution, Applicants submit herewith copies of documents A1, A3 and A4 along with another copy of the form SB/08 originally submitted on October 20, 2004. Applicants respectfully request that the PTO review documents A1, A3 and A4 and return the initialed, signed and dated form SB/08 with the PTO’s next communication.

Objections to the Drawings

On page 2 of the Office Action, the PTO has objected the drawings stating that they are informal. Applicants are submitting formal drawing with this response, thereby rendering the outstanding objection to the drawings moot.

Objections to the Specification

On page 2 of the Office Action, the PTO has objected the specification, stating that page 2 and page 4 each contain references to claims. In this response, Applicants have amended the specification to insert the language of originally filed claim 1 in place of the reference to “claim 1” on page 2 and have amended the specification to insert the language of originally filed claim 9 in place of the reference to “claim 9” on page 4. In view of these amendments, Applicants respectfully request reconsideration and withdrawal of the outstanding objection to the specification.

Rejections Under 35 U.S.C. § 112

On page 2 of the Office Action, the PTO has rejected claims 1-8 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, citing the use of the phrase “in particular” in claims 1 and 7. In this response, claim 1 has been cancelled, without prejudice or disclaimer, and new independent claim 10 has been presented. Claim 10 does not use the language “in particular.” Claim 7 has been amended to delete the phrase “in particular.” These amendments do not narrow the scope of the claims. In view of the foregoing Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under §112.

Rejections Under 35 U.S.C. § 102

On page 3 of the Office Action, the PTO issued the following rejections under 35 U.S.C. § 102(b):

- Claims 1 and 3-4 as allegedly being anticipated by JP 5157484 to Kajikawa;
- Claims 1-2 and 4-5 as allegedly being anticipated by JP 2002286394 to Nozaki et al. (hereinafter “Nozaki”);
- Claims 1-2, 4, and 7-8 as allegedly being anticipated by U.S. Patent 5,992,514 to Sugimoto et al. (hereinafter “Sugimoto”); and
- Claim 9 as allegedly being anticipated by U.S. Patent 5,076,353 to Haussmann.

Applicants respectfully traverse these rejections for the reasons set forth below.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v.*

Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP §2131.

Here, none of the cited reference disclose a heat exchange unit which comprises “at least one reinforcing fin comprises a cut out portion of the baseplate which is attached to the base plate along a single edge, which is bent at an angle out of a plane of the baseplate, and which creates an aperture in the baseplate” as recited in present independent claim 10 (from which claims 2, 3, and 5-9 ultimately depend).

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under §102.

Allowable Subject Matter

Applicants acknowledge, with appreciation, the PTO’s indication, on page 3 of the Office Action, that claim 6 would be allowable if rewritten in independent form. In this response, Applicants have redrafted claim 6 in independent form, incorporating the language of claim 1 (without the phrase “in particular” that was the subject of the §112 rejection referenced above) and the language of claim 5. In view of these amendments, Applicants submit that claim 6 is in *prima facie* allowable form.

Newly Added Claims


In this response, Applicants have added claims 11-16. Applicants submit that these claims are allowable for at least the same reason as claim 10, from which each ultimately depends, and because none of the cited references disclose the features recited in any of claims 11-16.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

Date 4/10/06
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

By 
Richard L. Schwaab
Attorney for Applicants
Registration No. 25,479

Paul D. Strain
Attorney for Applicants
Registration No. 47,369

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.